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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,035	03/26/2001	Rabah Arhab	1200.463	3431

7590 10/02/2003

Longacre & White
6550 Rock Spring Drive Suite 240
Bethesda, MD 20817

EXAMINER

NGUYEN, XUAN LAN T

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,035

Applicant(s)

ARHAB, RABAH

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-31 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,9-18 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,19-29 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 31 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Page 9, lines 4-7 in the substitute specification states that there are axial movements allowed between tongues 23, the piston and the wall. This is in contrast to claim 31.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jandasek.

Re: claim 1, Jandasek shows a hydrokinetic coupling apparatus, as in the present invention, comprising: having casing 18, 24 provided with a transverse wall 19;

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a turbine wheel 27 fixed to a hub 32; a piston 36 disposed between said wall and said turbine wheel for its disengageable connection to the transverse wall wherein the piston is axially connected to the external periphery of the casing by elastic tongues 42.

Re: claims 2 and 3, as shown, the tongues are tangentially and radially oriented.

Re: claim 4, as shown, the tongues are distributed in several sets, each including at least one tongue.

Re: claim 5, as shown, the tongues are above the second surface wherein the second surface is the portion of piston 36 that engages with friction linings 49.

Re: claim 19, as shown, pieces 43, 44 are distinct from the tongues.

Re: claim 20, as shown, pieces 43, 44 and tongues 42 are connected together.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandasek.

Re: claim 21, Jandasek's hydrokinetic coupling apparatus, as rejected above, lacks the rivets. The Examiner takes an Official Notice that rivets, welding, etc. are old and well-known methods of fastening. It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to have used either of these methods to fasten the tongues to the piston and the casing of Jandasek; since these are old and well-known methods that are widely used interchangeably to fasten metal parts together.

Re: claims 22-27, Jandasek shows hub 32, torsion damper 47 with disc 48 and two friction linings 49 and ferrule 38. In column 2, line 6, Jandasek shows that hub 32 has a splined connection.

7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jandasek in view of Arhab et al (WO 98/58194).

Jandasek's hydrokinetic coupling, as rejected above, lacks a friction means disposed between the piston and hub. Arhab et al. teach in figure 3 a friction means 62 disposed between piston 40 and hub 60, 32 to further secure the piston to the hub. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a friction means such as taught by Arhab to further secure the piston to the hub.

Response to Arguments

8. Applicant's arguments filed 8/1/03 have been fully considered but they are not persuasive. It is believed that Applicant's argument is more specific than the claim language. Applicant argues, for claim 1, that the instant invention's tongues are fixed to the piston and to the transverse wall while Jandasek's tongues are rotatably mounted to the piston and the transverse wall. It is believed that Jandasek's tongues are also fixed

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in terms of being fastened and connected to the piston and the transverse wall.

Applicant further argues, for claim 29, that Arhab's friction means is carried by the hub while the instant invention's friction means is carried by the piston. The language of claim 29 does not reflect this limitation. The rejection is still deemed proper and is repeated above.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 8 to 4:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

XLN

XLN
September 30, 2003


JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600